

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-010465

07/20/2005

HONORABLE LINDSAY ELLIS

CLERK OF THE COURT
R. Smith
Deputy

FILED: 07/26/2005

TYRONE T BEARD

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#179679
P O BOX 13005
YUMA AZ 85366-3005

MINUTE ENTRY

The Court has received a Notice of Hearing Regarding Application for Change of Name.

IT IS ORDERED AS FOLLOWS:

A telephonic hearing on the Petition for Name Change will be set on application of the Petitioner after submission of all of the required documents set forth in this minute order. It shall be the responsibility of the Petitioner to initiate the telephonic conference call. The Petitioner shall appear personally if he is no longer incarcerated.

A.R.S. 12-302 L (2) provides that neither a waiver nor deferral of court fees or costs shall be granted for civil actions, other than domestic relations cases, that are filed by persons who, at the time of filing the application, are incarcerated as a result of a felony conviction. Fees may be deferred pursuant to A.R.S. 12-302 M.

Pursuant to administrative order 2002-085,

IT IS ORDERED as follows:

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1. Indigent inmates of state correctional institutions who initiate civil actions in Maricopa County Superior Courts are entitled to a deferral of court fees and costs.
2. Upon filing of a civil action, A.R.S. 12-302(E) entitled the Clerk of collect 20% of all deposits into the prisoner's spendable account at the Department of Corrections until the actual fees and costs are paid in full.
3. The Department of Corrections pays the Clerk the amounts due from all prisoners' accounts annually before January 31 of the following year.
4. To assist the Clerk in accounting for the amounts due from prisoners, the Clerk of the Superior Court is entitled to require every inmate who files a civil action to fill out and file with the Clerk an application for deferral before a summons is issued.
5. All applications for deferral granted to inmates under A.R.S. 12-302(3) are deemed to include the court fees and costs, exclusive of transcript costs, required to file a notice of appeal of that action is provided in A.R.S. 12-302(I).

Within 60 days of this minute order, Petitioner shall, provide to this court, the following information regarding pending felony charges and all convictions in any state or federal court:

- A. Docket number of all pending criminal charges
- B. All criminal charges pending if any
- C. Current status of each criminal case
- D. All convictions
- E. Status of appeal
- F. Status of post-conviction relief
- G. Assigned judge or judicial officer
- H. Marital status of the petitioner
- I. Names and ages of children
- J. Investigation report number
- K. Assigned county attorney and/or district attorney
- L. Defense counsel or public defender retained or assigned for the defense

This order shall apply to any charges pending in state and/or federal courts.

There is a legal duty to notify certain agencies and persons when a convicted felon is released from incarceration. Because of Petitioner's involvement with the criminal justice system and consequent felony conviction, there is a duty to notify agencies and persons in advance of the name change hearing. Notification of intent to change the name of the convicted person must be effected in advance of the hearing for name change for calendar management and consistency both at the trial and appellate levels. The court must be apprised of the status of the criminal history of the person requesting the change of name.

Persons and agencies must receive actual notice of the petition for change of name together with the offenses, dates of conviction, sentence and case status information. Legitimate notification to such persons and agencies of the Petitioner's present legal name and requested

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new legal name is essential to ensure compliance with the notice mandate. It is essential to effective court calendar management in every division and at all levels.

To avoid future confusion in the court system, and/or complications, difficulties and expense, lack of notice of the requested name change cannot be justified.

To safeguard rights and verify receipt of all of the foregoing information, personal service is required. Central to the prerequisite of personal service is the requirement that process servers must record, on the affidavit of service, each document served, the party served and the date and time of service. This information cannot be verified in the absence of an affidavit of service by a qualified process server. For this reason, service by mail or registered mail is not ordered.

The law precludes Petitioner from contacting victims. Victim notification regarding the Petitioner's request for name change may only be accomplished by the prosecution. Petitioner may make efforts to ensure that the prosecution is made aware of the name change request. It is the responsibility of Petitioner to request the state to effectuate notice to the victims.

A person authorized by law to service process shall personally serve each person listed below with all of the following:

- Copy of Petition For Change of Name
- Notice of hearing on change of name to be held together with the address of the court
- Each criminal case number, specific offenses of which the Petitioner was convicted, dates of conviction, dates of sentencing
- Case status including proof of termination of probation, parole and/or completion of sentence of incarceration; status of probation/parole, appeal and post-conviction relief

The Petitioner shall furnish to the court proof of personal service by a person qualified to serve process. Information to be served shall include a copy of the Petition for Change of Name together with notice of the criminal charges of which the Petitioner was convicted and the status of the case. Personal service shall be effected on each of the following in each case:

- The county attorney or district attorney in each county or jurisdiction in which the Petitioner has been convicted of felonies
- Assigned judge who presided over the trial
- Assigned judge who presided over the sentencing
- Assigned judge who presided over post-conviction relief
- Attorney who defended the Petitioner and counsel who filed appeals and/or petitions for post-conviction relief on behalf of the Petitioner
- Police/sheriff or other arresting and investigating authority
- Probation and/or parole officers

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- This order shall apply to convictions in state and/or federal courts.
- Spouse of the Petitioner
- Each person with whom the Petitioner has a child in common
- If Child Protective Services is involved with any active case involving the Petitioner or children of the Petitioner, the caseworker shall be personally served

A hearing on change of name will be set upon receipt, by the court, of legitimate proof that each of the persons and agencies has been served with all required pleadings, documents and information.

The responsibility for notification rests upon the Petitioner. The duty to provide that information to the court rests upon the Petitioner.

When the Petitioner has provided to the court confirmation that all agencies and individuals who are entitled to notice of the requested name change have, in fact, received notice of the requested name change, the court may set a telephonic hearing for the name change upon written application for hearing by Petitioner.

If the Petitioner is not a citizen of the United States of America, within 5 days of the order changing name, if granted, Petitioner shall apply for a replacement Non-Resident Alien Binder Card pursuant to Section 164.5 Immigration and Naturalization Services Regulations.